

FILED

APR 12 2006

**BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA**

**NEBRASKA DEPARTMENT
OF INSURANCE**

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	CONSENT ORDER
PETITIONER,)	
)	
VS.)	CAUSE NO. A-1659
)	
CAPITOL TITLE COMPANY, and)	
JAMES C. LAMPHERE,)	
)	
RESPONDENTS.)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair and Capitol Title Company, and James C. Lamphere ("Respondents"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondents pursuant to Neb. Rev. Stat. §§44-101.01, 44-4047 et seq. and 44-19,106 et seq. (Reissue 2004).
2. Respondents were licensed as an insurance agent and agency under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Capitol Title Company, James C. Lamphere, Susan D. LaDuke, and Sheryl K. Jordan, Cause Number A-1569 on March 17, 2006. A copy of the petition was served upon the Counsel for Respondents Shannon R. Harner, Hoppe & Harner, 5631 South 48th Street, Suite 200, Lincoln, NE 68516 by certified mail, return receipt requested.

2. On or about April 11, 2006, the Department amended the petition, dismissing Susan D. LaDuke and Sheryl K. Jordan from this administrative proceeding pursuant to negotiations regarding the terms of this consent order. A copy of the amended petition was served upon the Counsel for Respondents Shannon R. Harner.

2. Respondents are alleged to have violated Neb. Rev. Stat. § 44-361 (Reissue 2004) as a result of the following conduct:

Respondents provided closing fee reductions to customers who purchased a specific insurance policy, based upon the cost spread between Respondents' insurance policy cost and the cost of a like policy.

3. Respondents were informed of their right to a public hearing. Respondents waive that right, and enter into this Consent Order freely and voluntarily. Respondents understand and acknowledge that by waiving their right to a public hearing, Respondents also waive their right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondents admit the allegations stated in Paragraph 2.

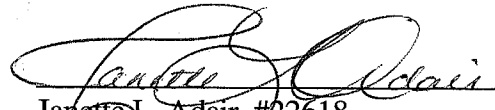
CONCLUSIONS OF LAW

Respondents' conduct as alleged above constitutes a violation of Neb. Rev. Stat. § 44-361 (Reissue 2004) and is subject to disciplinary action pursuant to Neb. Rev. Stat. § 44-4059 (Reissue 2004).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondents, Capitol Title Company, and James C. Lamphere, that Respondents shall pay an administrative fine in the amount of two thousand dollars (\$2000.00) due within 30 days after the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amount required under this consent order, within the time specified, Respondents' Nebraska insurance producer licenses and agency license shall all

automatically be revoked. In witness of their intention to be bound by this Consent Order,
each party has executed this document by subscribing his signature below.


Janette L. Adair, #22618
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

4-12-06
Date

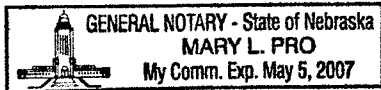
Capitol Title Company,
Respondent

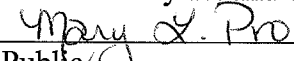
By: 

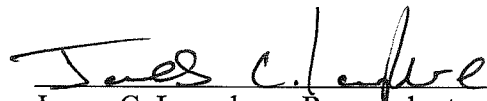
4-11-06
Date

State of Nebraska)
County of Lancaster) ss.
)

On this 11th day of April, 2006, James C. Lamphere personally
appeared before me on behalf of Capitol Title Company and read this Consent Order,
executed the same and acknowledged the same to be his voluntary act and deed.



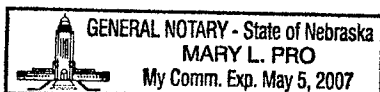

Notary Public

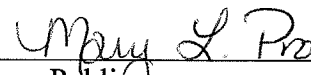

James C. Lamphere, Respondent

4-11-06
Date

State of Nebraska)
County of Lancaster) ss.
)

On this 11th day of April, 2006, James C. Lamphere personally
appeared before me and read this Consent Order, executed the same and acknowledged
the same to be her voluntary act and deed.




Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Capitol Title Company, and James C. Lamphere, Cause No. A-1659.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

4/12/06
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Counsel for Respondents Shannon R. Harner, Hoppe & Harner, 5631 South 48th Street, Suite 200, Lincoln, NE 68516, by certified mail, return receipt requested on this 12th day of April, 2006.



RECEIVED

APR 12 2006

STATE OF NEBRASKA